

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

CARLOS DEWAYNE FOXX, #101889

PLAINTIFF

vs.

CIVIL ACTION NO. 3:15-cv-411-FKB

NORRIS HOGANS, ET AL.

DEFENDANTS

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

COME NOW Defendants Norris Hogans and Matthew Naidow, by counsel and pursuant to Rule 56 of the Federal Rules of Civil Procedure, and file this their Motion for Summary Judgment, as follows:

1. Plaintiff Carlos Foxx filed this *pro se* civil action on June 8, 2015, claiming the violation of his constitutional rights during his incarceration at East Mississippi Correctional Facility ("EMCF"). Plaintiff at all relevant times was a post-conviction inmate in the custody of the Mississippi Department of Corrections ("MDOC"). Defendants Norris Hogans and Matthew Naidow were at all relevant times employed as correctional staff at EMCF.

2. Plaintiff alleges denial of due process related to an administrative grievance he filed in February 2015 pertaining to his assignment to Housing Unit 2-D, a unit on which Plaintiff claims he had been assaulted three years earlier while serving a prior prison term. *See* Complaint [1].

3. As set forth more fully in Defendants' separate memorandum of authorities, Plaintiff has failed to establish a genuine issue of material fact that would preclude the entry of summary judgment in favor of these Defendants as to each of Plaintiff's claims against them. Accordingly, these Defendants are entitled to judgment as a matter of law.

4. In support of their Motion for Summary Judgment, these Defendants rely on their

separate memorandum of authorities and the following exhibits attached hereto:

- “A” ARP No. EMCF-15-990;
- “B” Plaintiff’s Drill Down Detail Report;
- “C” Omnibus Hearing Transcript; and
- “D” Plaintiff’s MDOC Incident Report.

WHEREFORE, PREMISES CONSIDERED, Defendants Norris Hogans and Matthew Naidow respectfully request the Court to grant their Motion for Summary Judgment and to dismiss Plaintiff’s claims against them as a matter of law.

Respectfully submitted, this the 11th day of May, 2018.

NORRIS HOGANS AND MATTHEW NAIDOW,
DEFENDANTS

BY: /s/ Steven J. Griffin
OF COUNSEL

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CERTIFICATE OF SERVICE

I hereby certify that on May 11, 2018, I electronically filed the foregoing with the Clerk of the Court using the ECF system, which provided notice to all counsel of record, and I hereby certify that I have mailed by United States Postal Service the document to the following non-ECF participants:

Carlos Foxx (MDOC #101889)
Wilkinson County Correctional Facility
Post Office Box 119
Woodville, MS 39669

/s/ Steven J. Griffin